



Filed 11/12/02

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my

name, that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MULTICARRIER MODULATION USING WEIGHTED PROTOTYPE FUNCTIONS

The specification of which			
a. is attached hereto b. was filed on December 29.	1999 as application serial no. 09	0/446,958 and was amended on	(if applicable) (in the case of a PCT
	nimed in international no. PCT/F	R98/01398 filed June 30, 1998 and	
I hereby state that I have reviewed any amendment referred to above.		he above-identified specification, in	ncluding the claims, as amended by
I acknowledge the duty to disclose of Federal Regulations, § 1.56 (atta		o the patentability of this application	n in accordance with Title 37, Code
	so identified below any foreign		pplication(s) for patent or inventor's certificate having a filing date before
a. no such applications have been such applications have been			
FOR	EIGN APPLICATION(S), IF ANY, C	LAIMING PRIORITY UNDER 35 USC §	119
CQUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119					
CQUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)		
France	FR 97 08547	July 1, 1997			
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)					
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)		

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)		

reby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and

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illson, Randall A.	Reg. No. 31,838		Reg. No. 20,890
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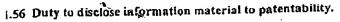
hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization /ho/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented nless/until I instruct Merchant & Gould P.C. to the contrary.

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reby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are eved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are ishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements / jeopardize the validity of the application or any patent issued thereon.

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- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective tent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all formation material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor d good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be aterial to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim maining under consideration in the application. There is no duty to submit information which is not material to the patentability of any isting claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to refully examine:
 - prior art cited in search reports of a foreign patent office in a counterpart application, and (1)
- the closest information over which individuals associated with the filing or prosecution of a patent application elieve any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or sing made of record in the application, and
 - It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; (1)
 - It refutes, or is inconsistent with, a position the applicant takes in: (2)
 - Opposing an argument of unpatentability relied on by the Office, or (i)
 - Asserting an argument of patentability. (ii)

> prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentzőility.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (c)
 - Each inventor named in the application: (1)
 - Each attorney or agent who prepares or prosecutes the application; and · (2)
- Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the (d) attorney, agent, or inventor.